

September 10, 2013

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BY HAND AND EMAIL

Jeff S. Jordan, Esquire
Supervisory Attorney
Office of the General Counsel
Federal Election Commission
999 E Street, NW
Washington, DC 20463

Re: Pre-MUR 560
Bachmann for President

Dear Mr. Jordan:

This responds on behalf of our client, Bachmann for President and Nancy Watkins, as Treasurer (collectively "BFP"), to the notification from the Federal Election Commission ("Commission") that it has received a referral in the above-captioned matter. While the letter from the Office of the General Counsel ("OGC") is dated July 8, 2013, we did not receive the notification until September 3, 2013, because the Commission sent the letter to the wrong address. An executed Designation of Counsel form is attached.

The notification informs our client that it has come to the attention of the Commission that our client may have violated 2 U.S.C. § 434(b). However, the letter provides only general summaries of the allegations and does not identify the source of the allegations or any other specific information. Common sense and fundamental fairness dictate that we should be permitted to review all of the information in the OGC's possession that it intends to use to recommend whether the Commission should authorize an enforcement action against BFP. This is not an extraordinary request. We are simply requesting access to the same information that BFP would receive if a third party filed a complaint. Merely providing us with general summaries of allegations with no specific information raises serious procedural and substantive issues that prejudice our client.

Nonetheless, it appears that the summary of the general allegation is covered by the response BFP filed in MUR 6724 to the complaint and supplemental complaint. We are incorporating that response by reference and attaching it for you convenience. In addition, the Commission dismissed a matter against a campaign facing similar allegations after BFP's response was filed in MUR 6724. In MUR 6510, the Commission held on a bipartisan and unanimous basis that "neither the Act nor the Commission's regulations require authorized committees to report expenditures or disbursements to their vendors' sub-vendors." MUR 6510, Factual and Legal

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Analysis at 11-12. “To the contrary, the Commission has concluded that a committee need not separately report its consultant’s payments to other persons – such as those payments for services or goods used in the performance of the consultant’s contact with the committee.” *Id.* at 12 (citations omitted). Accordingly, we respectfully request that the Commission decline to authorize an enforcement action, dismiss the matter, take no further action, and close the file.

Please do not hesitate to contact us with any questions.

Respectfully submitted,

William J. McGinley

Attachments